



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Brad Deutsch
Garvey Schubert Barer
1000 Potomac Street, NW, Suite 200
Washington, DC 20007

FEB 16 2018.

RE: MUR 7283
Josh Welle
Josh Welle for Congress
and Jada Kavanagh, as treasurer

Dear Mr. Deutsch:

On October 11, 2017, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On February 13, 2018, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Josh Welle, Josh Welle for Congress, and Jada Kavanagh, in her official capacity as treasurer, violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "J. S. Jordan", written over the typed name of the Assistant General Counsel.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7283

Respondents: Josh Welle for Congress, and
Jada Kavanagh, as treasurer
(collectively the "Committee")
Josh Welle

Complaint Receipt Date: October 10, 2017

Response Date: December 11, 2017

EPS Rating:

Alleged Statutory

52 U.S.C. §§ 30101(2)(A), (B); 30102(e)(1); 30103(a)

Regulatory Violations:

11 C.F.R. §§ 100.3(a)(1), (2); 101.1(a); 102.1(a); 102.2(a)(1)

The Complaint alleges that Josh Welle and the Committee failed to file a Statement of Candidacy or Statement of Organization.¹ The Complaint, which the Complainant signed on October 2, 2017, states that Welle raised and spent money as a candidate, and campaigned at political events in New Jersey, but had not submitted the required forms with the Commission.² The Response maintains that while Welle publicly declared his candidacy on September 21, 2017, he did not trigger candidate status by raising or spending more than \$5,000 until September 27, 2017. Therefore, the Respondents conclude that Welle's Statement of Candidacy, filed on October 7, 2017, and the Committee's Statement of Organization, filed on October 17, 2017, were both timely.³

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and

¹ The Complaint indicates that no Statement of Candidacy was filed as of October 2, 2017. Welle is a 2018 Democratic candidate in New Jersey's 4th Congressional District.

² The Complaint also alleges that Welle resides in Arlington, Virginia, and does not live in New Jersey. The Response asserts that candidate residency requirements are outside the Commission's jurisdiction.

³ 52 U.S.C. §§ 30101(2)(A),(B); 30102(e)(1); 30103(a); 11 C.F.R. §§ 100.3(a)(1), (2); 101.1(a); 102.1(a); 102.2(a)(1)

assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, and the fact that Welle and the Committee filed the appropriate forms, we recommend that the Commission dismiss the complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

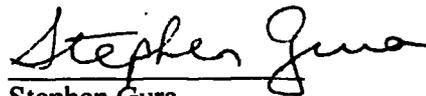
Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

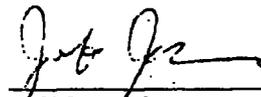
1.17.18

Date

BY:



Stephen Gura
Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel



Donald E. Campbell
Attorney

CONFIDENTIAL